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12/13/03

182.1001.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sadashiv ADIGA

Serial No.: 09/717,783

Filed: Nov. 21, 2000

For: Multimode Negotiation in a
Networking Environment

Art Unit: 3624

Examiner: Narayanswamy SUBRAMANIAN

Tel: (703) 305-4878

Office Action Mailed:

Oct. 21, 2003

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GROUP 3600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING (37 CFR § 1.8)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
on <u>11/21/2003</u>	By: <u>[Signature]</u>
Date	By:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Dear Examiner:

This paper is responsive to the outstanding Office Action dated as shown above.

Applicants conditionally request an extension of time in the event that one is required for this paper. In accordance with 37 CFR § 1.136(a)(3), authorization is hereby granted to charge any required extension of time fees under 37 CFR § 1.17 to Deposit Account No. 50-0365.

Authorization is also hereby granted to charge any additional claim fees and any other fees necessary for filing of this paper to Deposit Account No. 50-0365.

Status

Claims 1 to 26 are pending. Claims 1 and 10 are the only independent claims. No claims have been amended or cancelled.

Election/Restriction Requirement

Restriction to one of the following groups was required: Group I including claims 1 to 9, and Group II including claims 10 to 26. Applicants elect Group II with traverse.

A requirement of a restriction is that “[t]here must be a serious burden on the examiner if restriction is required.” MPEP 803. “[A] serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP §808.02.” MPEP § 803.

Applicants respectfully submit that no such showing was made in this case. Instead, the Office Action indicated that the claims in both groups were in class 705, subclass 37. Thus, a *prima facie* case has not been established for a serious burden on the Examiner.

In this regard, Applicants note that significant policy considerations militate against restriction requirements that do not meet the established criteria. See, e.g., MPEP § 803.01.

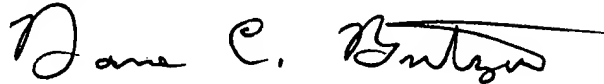
For at least the foregoing reasons, Applicants respectfully submit that the restriction requirement is improper. Withdrawal of the requirement is therefore requested.

If the requirement is not withdrawn, Applicants elect claims 10 to 26 in Group II.

Closing

Applicants' undersigned attorney can be reached at (614) 486-3585. All correspondence should continue to be directed to the address indicated below.

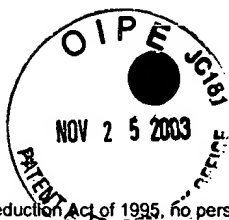
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dane C. Butzer". The signature is fluid and cursive, with a long horizontal line extending from the end.

Dane C. Butzer
Reg. No. 43,521

Dated: November 21, 2003

The Swernofsky Law Group
P.O. Box 390013
Mountain View, CA 94039-0013
(650) 947-0700



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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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3624

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/717,783
Filing Date	Nov 21, 2000
First Named Inventor	Adiga
Group Art Unit	3624
Examiner Name	Subramanian, N.
Attorney Docket Number	182.1001.02

Total Number of Pages in This Submission

4

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

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GROUP 3600**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Steven A. Swernofsky	Reg. no. 33,040
Signature		
Date	11-21-2003	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on this date:

Type or printed name	David Stolte		
Signature		Date	11/21/2003

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